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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,440	02/21/2001	Wiebe De Haan	PHN17,518	6259

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/763,440

Applicant(s)

DE HAAN, WIEBE

Examiner

Vincent F. Boccio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/21/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner. *VFB*
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/21/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Abstract

1. The abstract of the disclosure is objected to because the abstract is more than one paragraph, please provide a new abstract having only one paragraph.

Correction is required. See MPEP § 608.01(b).

Drawings

1. The drawings are objected to because, Figs. 7, 8, 9, 10, 11 and 12, are required to have text labels corresponding to number designations.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.

Therefore, the claimed subject matter corresponding to all the claims as recited in claims 1, 4 & 7 and 8, 11 & 14, the limitation,

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"recording at the end of a video objects a dummy cell that is not being references in the playback sequence";

"wherein the dummy cell is not filled completely"; and

"wherein the dummy cell comprises only a Navigation pack",
there features are not clearly represented in the drawings and must be shown or identified or the feature(s) canceled from the claim(s).

No new matter will be accepted.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

{A} Page 2 of applicant specification, "Brief Description of Drawings", has Fig. 6 listed, but, the drawings have

Fig. 6 A;

Fig. 6 B; and

Fig. 6 C, therefore the specification is required to be amended to reflect Fig. 6 A, B and C, to overcome the objection to the specification.

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It is also noted that Fig. 6, A, B or C is not specifically described in the detailed description and applicant should make an attempt to describe Figs. 6 A, B and C, without adding new matter.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 7 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As recited claims 7 and 14, recite that the dummy comprises only a Navigation Pack, wherein in accord to the specification all dummy cells have at least some dummy data, therefore, as recited the claim is deemed indefinite, by using the wording, "only a navigation pack", which implies that only a navigation pack for a dummy cell, wherein there cannot exist any dummy data, as understood, therefore, as written the claims are deemed indefinite.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-6, 8-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikuchi et al. (US 6,577,812).

Regarding claim 1, Kikuchi discloses and meets the limitations as recited, "method of recording" and "recording

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apparatus, such as an optical disk, an encoded stream wherein the stream representing a plurality of video objects comprising a sequence of cells together constituting a part of an MPEG2 transport stream, on the disk (Fig. 9, Object 82, cells 84, col. 1, "MPEG2"), the method comprising:

- recording video objects comprising a sequence of cells having each a unique number (Fig. 9);
- recording a playback sequence of cells defining a playable program (Fig. 22, etc.....):]
- recording navigation data (Fig. 9, every video object includes at least one cell, each cell includes at one VOB, wherein each VOB has a Navigation Pack 86,

therefore, each cell has a Nav. Pack 86); characterized by recording at the end of a video objects a dummy cell that is not being referenced by a playback sequence (since a VOB is at the end of each cell, and wherein the VOB, which includes cells, wherein each cell includes a VOB and at the end of each VOB, as shown in Fig. 9, includes a DUMMY PACK), wherein the dummy pack since at least is a part of a cell, reads on a dummy cell area at the end of a cell or a dummy cell, see Fig. 9, wherein a dummy pack is located prior to the next, Nav. pack 86.

Regarding claims 2-3, Kikuchi further reads on wherein since each cell already has a unique number the cell identified also has a unique number, therefore, assigning a unique cell ID number to the dummy cell, which differs from a previous and also a later.

Regarding claim 4, Kikuchi further meets the limitation of wherein the dummy cell is not completely filled with dummy data, in view of only a portion of the cell has dummy data, therefore the dummy cell is not completely filled with dummy data, as interpreted.

Claims 5 is deemed to read on Kikuchi, having video objects being movies, having cells, a playback sequence for cells (above), PGCs (Fig. 20), end presentation time (Fig. 15, "end presentation time"), according to the DVD standard read only (Fig. 27, "DVD R", being a WORM, which is write once read many, after one recording is only a read only disk after recording).

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Regarding claim 6, Kikuchi further meets the limitation of wherein a dummy cell comprises only a video object unit according to the DVD read only specification, since the VOBUs include a cell area being a dummy area or cell area.

Claims 8-13 {apparatus}, are analyzed and discussed with respect to the method claims above.

Contact Fax Information

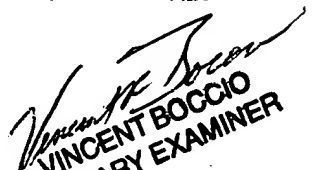
Any response to this action should be faxed to:

(703) 872-9306, (for communication intended for entry)

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
5/16/05


VINCENT BOCCIO
PRIMARY EXAMINER